

Remarks

Claims 1, 4, 6, 8, 13, 17, 19, 20, 23, 25, 27, 32, 36, 38, 39, 42, 44, 46, 51, 55, 57, 58, 61, 63, 65, 70, 74, and 76 are pending. Claims 1, 4, 6, 8, 13, 17, 19, 20, 23, 25, 27, 32, 36, 38, 39, 42, 44, 46, 51, 55, 57, 58, 61, 63, 65, 70, 74, and 76 stand rejected. Claims 2, 10, 16, 21, 29, 35, 40, 48, 54, 59, 67 and 73 have been canceled. Claims 1, 8, 13, 17, 19, 20, 27, 32, 36, 38, 39, 46, 51, 55, 57, 58, 65, 70, 74 and 76 have been amended. No new matter has been added.

Importantly, the claim amendments should not be construed to be an acquiescence to any of the claim rejections. Rather, the amendments to the claims are being made solely to expedite the prosecution of the above-identified application. The Applicants expressly reserve the right to further prosecute the same or similar claims in subsequent patent applications claiming the benefit of priority to the instant application (35 USC § 120).

Election and Restriction

The Applicants apologize for failing to cancel in the previous Response all of the dependent claims outside the scope of the independent claims as amended to conform with the election of **Group IIIa** (drawn to compounds wherein n is 1; Z is NHR''; R is aralkyl; R' is alkyl; and R'' is aryl). Accordingly, the Applicants have canceled all such claims. Further, the Applicants have also canceled various dependent claims that were made redundant by the aforementioned amendments to the independent claims. Finally, various dependent claims have been amended to remove limitations rendered redundant by the aforementioned amendments to the independent claims.

In summary, claims 8, 13, 17, 19, 27, 32, 36, 38, 46, 51, 55, 57, 65, 70, 74 and 76 have been amended to remove limitations rendered redundant by the previous amendments to independent claims 1, 20, 39 and 58; and claims 2, 10, 16, 21, 29, 35, 40, 48, 54, 59, 67 and 73 have been canceled because they were rendered redundant by the previous amendments to independent claims 1, 20, 39 and 58.

Response to Claim Rejections Based on 35 USC § 112

Claims 1, 20, 39 and 58 are rejected for lacking enablement. Specifically, the Examiner contends that the specification, while being enabling for aryl to be phenyl, does not reasonably provide enablement for any and all the aryls. The Examiner has indicated that the Applicants' arguments in the previous Response were not found to be persuasive.

The Applicants appreciate the Examiner stating on the record, on page 6 of the non-final Office Action, that sufficient guidance is provided by the application "wherein aryl is a phenyl group." With respect to the Examiner's comments in the instant final Office Action, the Applicants acknowledge that certain substituted aryls (e.g., 2,6-di-tert-butyl aniline and the three corresponding pyridine positional isomers) would be too hindered to function effectively in the nucleophilic displacement reaction that may be used to install the aryl moiety (please refer to Figure 5 of the instant application for a graphical representation of one synthetic approach to the claimed compounds). However, even in this synthetic approach, so long as the nucleophile reactant (in this case the nitrogen of the aniline) is not too sterically hindered, the reaction will occur under the reaction conditions. Therefore, the Applicants assert that one skilled in the art would realize that any unsubstituted (and, therefore, unhindered) amine-containing aryl compound (e.g., aniline or aminopyridine), would be an acceptable nucleophile in this reaction.

At this point in the discussion, the Applicants respectfully direct the Examiner to the definition of "aryl" on page 13 of the Specification. The definition explains that "aryl" in the instant application means unsubstituted and substituted "5-, 6- and 7-membered single-ring aromatic groups that may include from zero to four heteroatoms." The Applicants respectfully assert that the issue of steric hindrance discussed above and relied upon by the Examiner as the foundation of her enablement rejection relates only to the question of substitution on the aryl moiety; i.e., there is no difference in the steric hindrance with 4-aminopyridine as compared to aniline. Therefore, without reaching a conclusion as to any other point, the Applicants respectfully contend that undue experimentation would not be required to make and use the claimed compounds wherein R" is an unsubstituted aryl (i.e., wherein Z is -NH(unsubstituted aryl)). Consequently, to expedite prosecution to allowance, the Applicants have amended claims 1, 20, 39, and 58 to limit the definition of R" to "unsubstituted aryl."

In light of the claim amendments and arguments herein, the Applicants respectfully contend that one of ordinary skill in the art of organic chemistry would not require undue experimentation to make and use the claimed invention as amended.

Accordingly, the Applicants respectfully request the withdrawal of the rejections of claims 1, 20, 39 and 58 based on 35 USC § 112¶1.

Fees

The Applicants believe they have provided for all required fees in connection with the filing of this paper. Nevertheless, the Director is hereby authorized to charge any additional required fee to our Deposit Account, 06-1448.

Conclusion

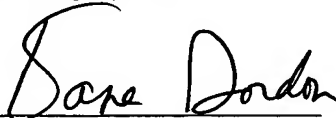
In view of the above amendments and remarks, it is believed that the pending claims are in condition for allowance. The Applicants respectfully request reconsideration and withdrawal of the pending rejections. The Applicants thank the Examiner for careful consideration of the present case. If a telephone conversation with Applicants' Attorney would expedite prosecution of the above-identified application, the Examiner is urged to contact the undersigned.

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